UNITED
NATIONS

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Economic and Social
Council

Distr.
GENERAL

E/CN.4/1997/NGO/29
12 March 1997

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-third session
Agenda item 8

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

Written statement submitted by the International Federation of Journalists, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV)

[12 March 1997]

GE.97-10901 (E)

General principles

1. The international community all too often forgets the role of journalists in the construction and maintenance of democracy and does not heed the alerts given when journalists are attacked. Oppression of the media should always be taken as a warning that worse is yet to come. Governments that are allowed to assault, imprison and censor journalists believe they have a free hand to oppress the entire population.

2. The right to receive and impart information is a fundamental human right and Governments must recognize that they cannot simply silence the media that do not share their viewpoint.

3. The IFJ has a safety programme which monitors and reacts to human rights abuses against journalists throughout the world. It is clear that no continent is exempt from restrictions on the press but it is also clear that the media in some countries suffer a great deal more than those in others. Before raising certain country-specific matters we will provide examples of widespread practices which we consider unacceptable and which we believe should be addressed by the Commission.

4. Firstly, press laws should not be included as part of the Criminal Code. In particular, provisions on defamation, of any kind, and whoever the individual concerned, should always be civil offences. Imprisonment should not be a sanction for those against whom a complaint of defamation has been upheld. Politicians, including heads of State, should not be given greater protection than other members of the population and should accept more criticism than ordinary members of the public.

5. Censorship should not be regarded as an acceptable tool of Government. Questions of national security which might be used to silence the press must be clearly defined by law and all procedures relating to alleged breach of such provisions must be transparent and open to the public. Faceless tribunals, national security courts held in camera, and other procedures which prevent journalists from being fairly heard or represented contravene the rules of natural justice and the International Covenant on Civil and Political Rights.

6. All assassinations of journalists should be regarded as attacks against the integrity of a people; full and independent investigations should automatically be undertaken into each of these deaths.

7. Finally, journalists must be able to organize themselves, for instance in unions or professional associations.

8. The IFJ recommends that the United Nations Commission on Human Rights urge member States to respect the principles outlined above and to amend their laws where necessary.

Specific problems

9. The following are examples of instances where particular authorities have systematically resorted to violations of the human rights of journalists and which need to be specifically addressed by the Commission.

10. Algeria. The IFJ has established a Centre for Media Solidarity in Algeria which, amongst other things, monitors human rights abuses against media personnel. The most obvious threat to journalists in Algeria is not of the kind outlined above but comes from terrorists who have so far assassinated over 70 journalists and media workers. However, another kind of pressure is being exerted by the Government which has imposed strict censorship rules that, amongst other things, have led to papers being blocked at the printers, and the enforcement of defamation laws which include the sanction of imprisonment for those found guilty.

11. The IFJ recommends that the United Nations Commission on Human Rights request that the Algerian authorities ensure the lifting of censorship laws and that they undertake not to use the laws of defamation to incarcerate media personnel.

12. Ethiopia. One of the techniques of the Ethiopian authorities for attempting to silence the press involves the arrest of a number of journalists over a period of weeks or months. After a while and following protests, a certain number will be released, one or two might be charged and the rest will continue to be detained, mostly without charge. Often the arrests will be of staff from a particular organ, with police simply arresting the person who has replaced the latest detainee. This way particular papers can be deprived of essential staff for periods which might lead to the closure of the paper.

13. The IFJ recommends that the United Nations Commission on Human Rights condemn the Ethiopian authorities' practices against journalists and request the release of journalists currently in detention. We recommend that the Commission remind Ethiopia of the provisions of the International Covenant on Civil and Political Rights, especially as they relate to arbitrary detention and the right to a fair trial.

14. Indonesia. The Indonesian Government uses a 1984 decree to revoke newspapers' licences and then arrests those distributing the "illegal" paper. The Indonesian authorities continue to detain journalists who were found guilty of selling the magazine of the journalists' union Alliance of Independent Journalists. The authorities still refuse to recognize the right of journalists to organize outside the State-sanctioned association. Conditions of detention contravene internationally recognized standards, especially since those currently detained have been moved to high-security prisons for serious criminals far away from their families and lawyers.

15. The IFJ recommends that the United Nations Commission on Human Rights demand that the Indonesian authorities recognize the Alliance of Independent Journalists and that they cease to use the 1984 decree to arrest media personnel. We recommend that the Commission request the release of all AIJ members and other media personnel currently imprisoned in Indonesia.

Professional conduct

16. The IFJ is aware that journalists are often blamed for bringing censorship or defamation suits on themselves due to their conduct. This is often an excuse but is nonetheless something that the IFJ takes seriously. The professional conduct of journalists is a matter which should be regulated by the profession itself, within a recognized framework. In particular, a code of conduct should be adopted and enforced by the profession in every country. The IFJ has a Code of Principles which was adopted by the IFJ World Congress in 1954 and amended in 1986 (annex).

17. The IFJ recommends that its Code of Principles be recognized by the United Nations Commission on Human Rights as an international standard for the conduct of journalists.

Annex

IFJ DECLARATION OF PRINCIPLES ON THE CONDUCT OF JOURNALISTS

"This international Declaration is proclaimed as a standard of professional conduct for journalists engaged in gathering, transmitting, disseminating and commenting on news and information in describing events.

1. Respect for truth and for the right of the public to truth is the first duty of the journalist.

2. In pursuance of this duty, the journalist shall at all times defend the principles of freedom in the honest collection and publication of news, and of the right of fair comment and criticism.

3. The journalist shall report only in accordance with facts of which he/she knows the origin. The journalist shall not suppress essential information or falsify documents.

4. The journalist shall use only fair methods to obtain news, photographs and documents.

5. The journalist shall do the utmost to rectify any published information which is found to be harmfully inaccurate.

6. The journalist shall observe professional secrecy regarding the source of information obtained in confidence.

7. The journalist shall be aware of the danger of discrimination being furthered by the media, and shall do the utmost to avoid facilitating such discrimination based on, among other things, race, sex, sexual orientation, language, religion, political or other opinions, and national or social origins.

8. The journalist shall regard as grave professional offences the following: plagiarism; malicious misrepresentation; calumny, slander, libel, unfounded accusations; acceptance of a bribe in any form in consideration of either publication or suppression.

9. Journalists worthy of the name shall deem it their duty to observe faithfully the principles stated above. Within the general law of each country the journalist shall recognize in professional matters the jurisdiction of colleagues only, to the exclusion of every kind of interference by Governments or others."

(Adopted by the 1954 World Congress of the IFJ. Amended by the 1986 World Congress.)